

**LOUISVILLE METRO COUNCIL
REGULAR MEETING
AUGUST 14, 2008
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President King called the **August 14, 2008** Louisville Metro Council regular meeting to order at 6:00 PM. He asked all to rise and join in the Pledge Allegiance to the flag.

PRESIDENT KING: Madam Clerk, a roll call please.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
DAVID TANDY: PRESENT
CHERI HAMILTON: PRESENT
GEORGE UNSELD: PRESENT
KEN FLEMING: PRESENT
TOM OWEN: PRESENT
TINA WARD-PUGH: PRESENT
PRESIDENT JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT
GLEN STUCKEL: EXCUSED ABSENCE
JULIE RAQUE ADAMS: PRESENT
HAL HEINER: PRESENT
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: PRESENT
DOUG HAWKINS: PRESENT
ELLEN CALL: EXCUSED ABSENCE

CLERK: There are 24 members PRESENT. A quorum was established.

PRESIDENT KING: Madam Clerk, please cause the record to reflect that Councilman Stuckel and Councilwoman Call have excused absences.

CLERK: So noted.

ADDRESSES TO COUNCIL:

PRESIDENT KING: Madam Clerk, are there any addresses to council?

CLERK: Yes, sir

The following spoke:

Freeman Davis: Need for citizen protection

Joshua Graue: Water pressure issues

APPROVAL OF COUNCIL MINUTES

PRESIDENT KING: Thank you, Madam Clerk. Next, we have approval of Council minutes for the Regular Council Meeting of July 24th, 2008.

Are there any corrections or deletions?

May I have a motion for approval?

COUNCILWOMAN HAMILTON: So moved.

COUNCILWOMAN WOOLRIDGE: Second

PRESIDENT KING: The minutes have been properly moved and seconded.

All those in favor, say aye.

ALL PRESENT: AYE

Opposed?

The ayes have it. **These minutes are approved as written.**

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT KING: Next, we have approval of the following committee minutes:

Regular: Appropriations, NDFs and CIFs – August 7, 2008

Regular: Budget – August 6, 2008

Regular: Committee of the Whole – July 24, 2008

Regular: Committee on Committees – August 12, 2008

Regular: Contracts – August 4, 2008

Regular: Health and Human Needs – August 6, 2008

Regular: Labor and Economic Development – August 7, 2008

Regular: Planning/Zoning, Land Design & Development – August 5, 2008

Regular: Rules, Ethics and Appointments – August 6, 2008

Special: Appropriations, NDFs and CIFs – July 31, 2008

PRESIDENT KING: Are there any corrections or deletions? May I have a motion for approval?

COUNCILMAN JOHNSON: So moved.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT KING: The minutes have been properly moved and seconded.

All those in favor, say aye.

ALL PRESENT: AYE

Opposed? The ayes have it.

The minutes are approved as written.

INTRODUCTION OF PAGE:

PRESIDENT KING: Councilman Engel, do you have a page this evening?

COUNCILMAN ENGEL: Yes, sir, Mr. President. I'm proud to introduce to you Mr. Drake Henle.

Drake is age 14. Drake will be entering St. Xavier High School as a freshman in the fall next week, to be specific. Drake graduated from the St. Gabriel Catholic School this year.

His interests include swimming, drawing, basketball, rowing, boating and travel.

Drake traveled to Australia and New Zealand last summer with People to People, a student ambassador program.

He spent 21 days living among the Australian and New Zealand peoples experiencing their political systems, culture and way of life.

He also appeared at the parliament in New Zealand.

He is a member of the Louisville Rowing club, plays intramural basketball at St. Xavier, Saint X; I like to say St. Xavier.

He is a member of the St. Gabriel Youth Group.

Drake hopes to continue his studies and attend college, possibly U.K.

I'm working on that also right now, Mr. President, to become an architect.

One of his goals is to visit every state in the U.S. and to travel to every continent on the globe.

Drake's parents are Dan and Jean Henle.

Dan is in the audience, wave to us Dan. Ladies and gentlemen please welcome Mr. Drake Henle.

PRESIDENT KING: Thank you, Councilman Engel.

GUESTS:

PRESIDENT KING: Councilman Kramer and Councilman Tandy do you have guests this evening?

COUNCILMAN KRAMER: Yes

We would like to ask Sister Kathleen Sheehan if she would come down, please.

Thank you, Mr. President.

Sister Mary Kathleen Sheehan has been working with Saint John Day Center since its inception.

As much as I would like to stand up here and rattle it off I am afraid I will forget something so if you will bear with me. Sister Mary Kathleen Sheehan has been the only executive director of St. John Center for Homeless in its 22-year existence. The phenomenal growth of the center and success enjoyed by many guests prove that she is the best person for the job.

When Sr. Kathleen accepted the challenge of providing a safe haven for chronically homeless men, she already had a wealth of experience dealing with people in need. In 1968 until the center opened on April 14, 1986 she served the City of Louisville in a variety of positions. Prior to that she spent 13 years as a parochial school teacher both in her home state of Massachusetts and in Louisville. Sister Kathleen attended Jefferson Community College, Catherine Spalding College and Nazareth College. She received her preparation for becoming a nun at Wakefield in Massachusetts and Sisters of Charity of Nazareth in Bardstown, Kentucky. Sr. Kathleen has received a number of special honors among them the Courier-Journal's Inaugural Everyday Heroes, the Archdiocesan Distinguished Catholic Alumni Award, and the Tower Award from Presentation Academy, the Mother Catherine Spalding Social Ministry Award, The Creative Human Service Award the Fleur de Lis Award from the City of Louisville and the Peace and Justice Award. She was the commencement speaker at Bellarmine University and received an honorary doctorate of Humane Letters degree from the university in May of 2005. In addition Sister Kathleen was recognized in 1995 by ABC News the 27th Annual Robert F. Kennedy Journalism Awards in Washington, D.C. for being the subject off a segment on WHAS Radio entitled "Her Brother's Keeper."

At age 76, Sister rises before dawn to get to the center and makes sure everything is ready for 7:00 A.M. opening. She remains very involved in every aspect of the day-to-day operation of the non-profit entity. Sr. Kathleen knows the great majority of St. John's Center guests by name. She possesses the unique ability to comfort and console, yet is firm when necessary.

This feisty, diminutive lady becomes fierce and is quick to defend her charges when they have been treated unfairly.

St. John Center for Homeless Men offers a variety of basic needs such as shelter, showers, rest room, telephone, mail, hot coffee and cool water, but it goes even further to provide the 160 to 200 daily visitors with a very real opportunity to become self-supporting citizens.

The social services center housing case management program and residential recovery program provided in collaboration with Phoenix Hill Health Center and JADAC each opens doors to restore hope, dignity and opportunity to those in need.

Sister Mary Kathleen has been directly involved in this since its inception.

Thank you very much.

SR. KATHLEEN: I don't know what to say, and that's unusual, but up until yesterday I was under house arrest for five weeks after having cervical neck surgery, so I'm still kind of trying to get back to normal living. But I really, this is just unbelievable.

I have gotten a lot of awards, but I really have to say you cannot do this job by yourself.

And if it wasn't for the support of the many volunteers and board members that are here, we could never keep St. John's going the way we do seven days a week.

So it's a shame that we have to have places like this, but they are needed, and we try to do the best we can, and accountability and credibility keeps us going.

So I still will be involved, and this isn't the end as far as I'm concerned.

Thank you very much.

COUNCILMAN TANDY: Let me state for the record I need to see a birth certificate because she doesn't look a day over 25.

PRESIDENT KING: Councilman Tandy, she is a lot smaller than you, but I wouldn't want to make her mad if I were you.

COUNCILMAN TANDY: That's the truth.

PRESIDENT KING: Councilman Kramer, I think you are still up.

Do you have another guest?

COUNCILMAN KRAMER: With your permission.

PRESIDENT KING: You have it.

COUNCILMAN KRAMER: If I could have Amanda Kremer come forward. And as she is coming forward I would point out that her last name is spelled KREMER not KRA, so there is no confusion.

Amanda is a former student at Mercy Academy.

She is currently majoring in accounting at Bellarmine University and has for the summer been working in my office as a summer intern.

She was interested in government accounting and how we do things here, so she had the opportunity to work with the council staff during the budget process.

So I think we gave her a little bit of a look at how things work.

So she has been fortunate enough since then to secure an internship with Eon U.S. and she is leaving us today and starting Eon on Monday.

So no rest for the we'll say weary and let it go there.

So I would like to offer this proclamation to her. It says,

Louisville Metro Council, To all whom these letters shall come, Greetings,

Know ye that the Louisville Metro Government hereby recognizes Amanda Kremer in recognition to her outstanding service to Louisville Metro Council and the citizens of Louisville in testimony whereof we have caused these letters to be made and the seal of the Metro Government to be hereunto attached. Signed this day, August 14th, 2008. (Councilman Kevin Kramer)

PRESIDENT KING: Councilwoman Flood and Councilman Peden do you have guests?

COUNCILWOMAN FLOOD: Good evening, colleagues, tonight Councilman James Peden and myself are pleased to introduce to you our guests. They have just won the Kohl's Cup State Recreational Championships. The Okolona Slayers Soccer Players...

They have a girl's soccer team at McNeely Lake which is in Councilman Peden's district.

They won the championship in the Ten U Division.

After winning all four of their pool games decisively, they defeated the Lexington Youth Soccer Association Cheetahs 4-1 and then for the championship they beat the Renegades of Bowling Green 4-3 in the championship game.

We are proud to have these young ladies and their coaches.

COUNCILMAN PEDEN: I want to read everybody's name. We are proud to have these young ladies and their coaches here tonight. I would like to recognize and wave at the camera.

Kristin Ballard, Bethany Dunn, Emily Hubbard, Jackie King, Hannah Martin, Sarah Mason, Allison Privette, Cheyanne Robinson, Paige Wells, Kimberly Wortham, Shelly Wyatt, Coach Eddy Wyatt Coach Tim Hubbach. We would like to welcome these folks here. I will turn it back over to Madonna.

COUNCILWOMAN FLOOD: I would like to present to you for the first time the Ten U Championship, the Okolona Slayers.

PRESIDENT KING: Councilman Engel, do you have guests?

COUNCILMAN ENGEL: Yes, sir, Mr. President.

PRESIDENT KING: You are recognized.

COUNCILMAN ENGEL: Thank you, Mr. President, colleagues.

In two months our great city -- one month our great city will be on display to the world as Louisville hosts the Ryder Cup.

Tonight in the spirit of the great game of golf let me mention also with regard to the Ryder Cup, one thing you may not know is that over \$500,000 has gone to approximately 140 charities already.

So tonight in the spirit of the great game of golf and in support for several local charities, I recognize a group of gentlemen who represent the Links Foundation for their thirteen years of annual giving to organizations like Habitat for Humanity.

Maryhurst, Boys Haven, Dayspring, the West End school and others.

To date, this group of gentlemen have raised approximately \$250,000 by playing an annual game of golf and I would like to recognize these three gentlemen, John Vidal, Dan Henle and Bryan Habermel who are with us here and John would like to just briefly tell you what the criteria is for their fundraising and then who the 2008 recipient of some dollars is going to be.

John?

MR. VIDAL: Thank you.

We are pleased to be honored by the Louisville Metro Council and Councilman Engel this evening.

The Links Foundation, as Councilman Engel mentioned, is a Louisville based non-profit organization which was founded in 1995, essentially the idea of several young gentlemen, many of whom are from St. X who had a dream.

Our formula for success is quite simple, really, in that we host a memorable and very well attended annual golf tournament as our primary and solitary fundraiser. In the 13 years, the Links Foundation has raised more than \$250,000 for local albeit small charities.

We select a new beneficiary each year that meets the following guidelines.

Charity serves the children and families of our community and for which our annual gift of approximately \$15 to \$20,000 is both needed and appreciated and would not otherwise have been raised through their own developmental efforts.

Again, we are honored to be recognized by all of you on the Metro Council tonight and I say thank you on behalf of the Links Foundation Board.

At this time I would like to turn it over to one of our board members, Dan Henle who will make the presentation to Reverend Ron Loughry.

MR. HENLE: Thank you, John.

At this time I would like for Reverend Ron to come up, please.

And on behalf of the Links foundation, I would like to present this check to Reverend Ron for \$15,000 to go to his building fund.

COUNCILMAN ENGEL: And I would like to give a proclamation to these gentlemen.

I will read one and the rest they will hand out,

Louisville Metro Council, to all whom these letters shall come Greetings Know ye that the Louisville Metro Council hereby honors and recognizes August 14, 2008 as Links Foundation Day for the Fern Creek Highview United Ministries building fund Link to Serve Foundation, in appreciation and outstanding contributions, service and support of the ministries capitol building campaign to our community we hereby confer this honor with the rights, privileges and responsibilities thereunto appertaining.

And several council people have signed this Councilman Kramer, Councilman Benson, Councilman Peden and President King and myself.

So, once again, congratulations to the Links Foundation for your chartable work.

Thank you very much.

PRESIDENT KING: Do you have a second guest.

COUNCILMAN ENGEL: Yes, sir, Mr. President.

It wasn't long ago that I got -- I received a phone call, it wasn't long ago that I received a phone call from a gentleman named Bob Beard who is first in line here and Bob said Robin, he said, there is something I have to ask you, and that you have to do.

First, it was ask and then it was that you have to do.

It's we have to do this, Robin. Well, Bob, what is it? We have to build a building.

Well, as long as I'm not the carpenter or any of that type of thing I would be happy to talk to you.

So Bob took care of that area, but Bob said that we needed to build a brand new building for the Fern Creek Ministries because the ministries were operating out of the community center and it was woefully out of space.

I said, Bob, that's fine, what is it going to cost?

Well, we are still working on that.

Any way at this point I would like to bring Ron Loughry in to very quickly to share with you what went on after that and how the building was built and where we are today.

Ron?

REV LOUGHRY: Good evening, neighbors, it's good to look around this council and see so many friends. People who have been involved in our community for a long time.

You all are familiar with the community ministries of Louisville.

And in the last two years, Fern Creek Highview United Ministries has experienced something quite extraordinary.

Our emergency assistance program was out of space, our adult day center was bursting at the seams at this location and we were wondering what the next step was going to be.

One of our churches stepped forward and said we have a little extra land, why don't you try to build and we will lease it to you for a dollar a year.

At that time I put a call out to your 20 churches representing 12 different denominations and people like Bob Beard and Larry Clark and Glenn Hall, the gentlemen all from different churches who happen to have their own talents of being a semiretired builder, a construction person, a mechanical engineer, folks like them stepped forward.

Our council people, James Peden, Stuart Benson and Robin Engel, they all stepped forward at the same time and even out beyond our area we ended up touching folks.

And Councilman Kramer has stepped forward through the years n two years we have gone from not having space and wondering what we were going to do to having a wonderful, 8,000 square foot building completed, moved into, and thanks to gentlemen like this, something that would have cost us a whole lot more, but because of the in kind services that they provided, cost us a whole lot less.

And we are well on the road to having it paid for.

We still need some more money, so, yes, the Links guys, that \$15,000 is a big help and a lot of people are helping us to make those further steps, but as you all know, the community ministries are seeing more and more people coming to our doors. This year we have given out over 600 backpacks full of school supplies. We are seeing close to a thousand people monthly at our emergency assistance program. And our adult day center even though we are now in a larger facility and have more people, we are at about the max there as well.

Our community hurts, but that's where the community ministries have always stood, right there at that edge to provide for the people in need, and we appreciate the support that our metro council has given historically and continues to give to the community ministries.

COUNCILMAN ENGEL: So ladies and gentlemen, as Ron said, we have Bob Beard, Larry Clark and Glenn Hall with us today and I would like to read a quick proclamation.

Louisville Metro Council, to all whom these letters shall come, Greetings, Know ye that the Louisville Metro Council hereby honors and recognizes August 14, 2008 as Fern Creek, Highview Ministries Building to Serve Project. In appreciation for outstanding contributions, service and support of the ministries capital building campaign to our community. We hereby confer all the rights, privileges and responsibilities hereunto appertaining.

Signed by Councilman Kramer, Peden, Benson, myself and President King.

Gentlemen, thank you very much for your support of the ministry building fund.

PRESIDENT KING: Councilman Woolridge, do you have guests?

COUNCILWOMAN WOOLRIDGE: Yes, Mr. President. Thank you.

Good evening colleagues, Mr. President, We have a guest here tonight that probably everybody has honored except his Councilwoman. He lives in my district.

I would like to ask Mr. Sammy Moore to stand and join me here at the podium.

We have a proclamation for him.

And like I say, I believe he has been honored by everybody in the city, and the only way I could get him down here tonight is he said I will come for the proclamation if I don't have to say anything. That may or may not change after we read this proclamation.
It says

*Louisville Metro Council to all whom these letters shall come.
Know ye that the Louisville Metro Council hereby proclaims August 14th, 2008 Sammy Moore Day.
Whereas a gifted athlete who grew up playing basketball and who lived through the civil rights movement. Sammy Moore dreamed of playing babbie for University of Louisville.
His hopes were dashed because of segregation.
He went on to play basketball at Tennessee State University, and with the Harlem Globetrotters, and; whereas Sammy Moore retired after 45 years of service as an educator.
The last 33 years of which he spent as an he is esteemed physical education teacher at Noe Middle School and; whereas during his years of dedicated service as an educator, Sammy Moore put forth tremendous effort to insure that the students entrusted to his care were provided with all of the tools necessary to both realize their dream and become the future leaders of their community.
We applaud and commend Sammy Moore for his long years of outstanding service as an educator.
We hereby confer this honor with all of the rights, privileges and responsibilities thereunto appertaining in testimony whereof we have caused these letters to be made and the seal of Louisville Metro Government to be hereunto affixed. Done in Metro Louisville the 14th day of August, 2008, Mary C. Woolridge.*

I'd like to congratulate you.
I think this is the appropriate time, and although he is retired from the school system, Mr. Moore is still working with our youth.
He works with our youth at the Southwick Community Center which is in Councilwoman Green's district but all of the children come there for Mr. Moore.
Thank you Mr. Moore and thank you for all your services and if you would like to speak, I would like for you to speak, if not, I will keep my promise. Here is one of the Louisville pins. Thank you again for all you do. Thank you.

PRESIDENT KING: Thank you Councilwoman Woolridge.

COMMUNICATIONS FROM THE MAYOR:

PRESIDENT KING: Madam Clerk, are there any communications from the mayor?
CLERK HERRON: Yes, sir.

August 11, 2008

Mr. Jim King, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President King:

In accordance with the Louisville Metro Housing Authority Ordinance, I am reappointing Manfred Reid, Sr. to the **Louisville Metro Housing Authority**. This appointment will expire on March 31, 2011.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure
e-copy to MCC
Councilman George Unseld enclosure

August 11, 2008

Mr. Jim King, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President King:

In accordance with the Greater Louisville Convention and Visitors Bureau Ordinance, I am appointing the following to the **Greater Louisville Convention and Visitors Bureau**.

Name		Term
Alysia Danielle "Dani" Porter	New Appointment	July 31, 2010
William Tompkins	Reappointment	August 16, 2011

Your prompt action on these appointments is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure
e-copy to MCC
Councilman George Unseld enclosure

August 11, 2008

Mr. Jim King, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President King:

In accordance with the County Board of Assessment Appeals Ordinance, I am appointing the following to the **County Board of Assessment Appeals**.

Name		Term
Jennifer Dehn	New Appointment	July 18, 2011
Louise Edelen	" "	" "

Linda English	“	“	“
Gerald Fletcher	“	“	“
Eleanor Foreman	“	“	“
William Lippy	“	“	“
Faith Mercke	“	“	“
Carol Pullen	“	“	“
Melvin Riddle	“	“	“
W. Clement Russell	“	“	“
Betty Schutte	“	“	“
Theresa Shaw	“	“	“
Emma Smith	“	“	“
William Otto Spence	“	“	“

Council approval of these appointments is not required.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: e-copy to MCC

August 11, 2008

Mr. Jim King, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

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Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure
e-copy to MCC
Councilman George Unseld enclosure

PRESIDENT KING: Thank you, Madam Clerk. These appointments are referred to the Rules, Ethics and Appointments Committee for review.

CONSENT CALENDAR:

PRESIDENT KING: The next order of business is the Consent Calendar. The Consent Calendar comprises items 13 through 37, are there any deletions or additions?
Councilman Peden.

COUNCILMAN PEDEN: I'd like to move item 36 to old business, please.

PRESIDENT KING: Without objection item 36 is moved to old business.
Councilman Fleming.

COUNCILMAN FLEMING: Thank you Mr. President. I would like to move item 37 to old business as well.

PRESIDENT KING: Without objection Item 37 also moves to Old Business.

The Consent Calendar now comprises Items 13 to 35. Do you agree with that Madam Clerk?

CLERK: Yes sir.

PRESIDENT KING: Madame Clerk a second reading of these items.

Consent Calendar:

13. O-140-07-08 AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION CONTAINED IN ORDINANCE 197, SERIES 2006, AND PERTAINING TO LOUISVILLE METRO PLANNING COMMISSION DOCKET NO. 9-35-06.

Status: On Council Agenda - Consent Calendar
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

14. AP071608DB APPOINTMENT OF DALE BILLINGSLEY TO THE WORKFORCE INVESTMENT BOARD, INC., TERM EXPIRES JUNE 30, 2009.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

15. AP071608 APPOINTMENT OF EILEEN PICKETT TO THE WORKFORCE INVESTMENT BOARD, INC., TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

16. RP080608CB REAPPOINTMENT OF CHARLES BOWEN, SR. TO THE TRANSIT AUTHORITY OF RIVER CITY (TARC) BOARD, TERM EXPIRES JULY 31, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

17. RP080608MMM REAPPOINTMENT OF MARY MARGARET MULVIHILL TO THE TRANSIT AUTHORITY OF RIVER CITY (TARC) BOARD, TERMS EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar

Committee: Rules, Ethics, & Appointments

18. AP080608MA APPOINTMENT OF MELISSA ALLEN TO THE HUMAN RELATIONS COMMISSION ENFORCEMENT, TERM EXPIRES SEPTEMBER 30, 2011.

Status: On Council Agenda - Consent Calendar

Committee: Rules, Ethics, & Appointments

19. AP080608ML APPOINTMENT OF MIGUEL LAGUNAS TO THE HUMAN RELATIONS COMMISSION ADVOCACY, TERM EXPIRES SEPTEMBER 30, 2010.

Status: On Council Agenda - Consent Calendar

Committee: Rules, Ethics, & Appointments

20. AP080608RAR APPOINTMENT OF RASHAAD ABDUR-RAHMAN TO THE HUMAN RELATIONS COMMISSION ADVOCACY, TERM EXPIRES SEPTEMBER 30, 2008.

Status: On Council Agenda - Consent Calendar

Committee: Rules, Ethics, & Appointments

21. RP080608AN REAPPOINTMENT OF DR. ANTHONY NEWBERRY TO THE RIVERPORT AUTHORITY BOARD, TERM EXPIRES JULY 31, 2012.

Status: On Council Agenda - Consent Calendar

Committee: Rules, Ethics, & Appointments

22. RP061808JB REAPPOINTMENT OF JEFF BOONE TO THE LYNDON VOLUNTEER FIRE DISTRICT, TERM EXPIRES JUNE 30, 2011.

Status: On Council Agenda - Consent Calendar

Committee: Rules, Ethics, & Appointments

23. R-127-07-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICES, IN THE AMOUNT OF APPROXIMATELY \$36,454.00, FOR THE "CONNECTING URBAN YOUTH IN LOUISVILLE TO NATURE" PROJECT.

Status: On Council Agenda - Consent Calendar

Committee: Health & Human Needs

Primary Sponsor: Cheri Bryant Hamilton

24. R-130-07-08 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING A CONGESTION MITIGATION AND AIR QUALITY CONTRACT.

Status: On Council Agenda - Consent Calendar

Committee: Health & Human Needs

Primary Sponsor: Tom Owen

25. R-125-07-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING

NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT –
(KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM - \$239,733.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Robert Henderson

26. R-126-07-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (UNIVERSITY OF KENTUCKY RESEARCH FOUNDATION - \$50,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor:
Tina Ward-Pugh
Madonna Flood

27. R-129-07-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING RENEWAL NONCOMPETITIVELY NEGOTIATED PROFESSIONAL SERVICE CONTRACT – (DR. KENDALL A. CLAY, D.V.M. - \$70,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Robert Henderson

28. R-114-07-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (THE WUNDERLIN COMPANY - \$25,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: David Tandy

29. R-115-07-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION, INC. - \$40,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: David Tandy

30. R-116-07-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (NEW WEST, LLC - \$40,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts

Primary Sponsor: David Tandy

31. O-136-07-08 AN ORDINANCE TRANSFERRING \$10,000 FROM THE DISTRICT 1 NEIGHBORHOOD DEVELOPMENT FUND TO THE DISTRICT 1 COST CENTER ACCOUNT.

Status: On Council Agenda - Consent Calendar

Committee: Budget

Primary Sponsor: Judy Green

32. R-128-07-08 A RESOLUTION DETERMINING ONE (1) VACANT PARCEL OF REAL PROPERTY LOCATED AT 2044 S 41st STREET OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.

Status: On Council Agenda - Consent Calendar

Committee: Labor & Economic Development

Primary Sponsor: Judy Green

33. O-142-07-08 AN ORDINANCE RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (JULY 1, 2008 THROUGH JUNE 30, 2013) RELATING TO WAGES, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO, LOCAL 2629 CONCERNING REPRESENTED EMPLOYEES IN LOUISVILLE METRO TECHNOLOGY DEPARTMENT.

Status: On Council Agenda - Consent Calendar

Committee: Labor & Economic Development

Primary Sponsor: David Tandy

34. O-143-07-08 AN ORDINANCE APPROPRIATING A TOTAL OF \$5,250 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$5,000 FROM DISTRICT 6 AND \$250 FROM DISTRICT 13, THROUGH THE DEPARTMENT FOR COMMUNITY DEVELOPMENT, TO THE ST. JAMES COURT ASSOCIATION, INC. FOR OPERATING EXPENSES ASSOCIATED WITH THE ST. JAMES COURT ART SHOW.

Status: On Council Agenda - Consent Calendar

Committee: Appropriations, NDFs and CIFs

Primary Sponsor:

Vicki Welch

George Unseld

35. O-139-07-08 AN ORDINANCE APPROPRIATING THE AMOUNT OF \$10,000.00 FROM THE NEIGHBORHOOD DEVELOPMENT FUNDS (NDF) OF DISTRICT 11, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE HIKES POINT AREA BUSINESS ASSOCIATION, INC. TO BE USED FOR EXPENSES RELATING TO THE HIKES POINT AREA BUSINESS EXPO AND HEALTH FAIR.

Status: On Council Agenda - Consent Calendar

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Kevin Kramer

PRESIDENT KING: May I have a motion for approval?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILMAN BLACKWELL: Second

PRESIDENT KING: The Consent Calendar has been properly moved and seconded and requires a roll call vote. Madam Clerk, please open the voting.

Voting Result: Consent Calendar

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: NOT VOTING

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: EXCUSED ABSENCE

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: EXCUSED ABSENCE

CLERK; There were 23 YES votes and three members not voting; Council Members Tandy, Stuckel and Call.

PRESIDENT KING: **The Consent Calendar passes.**

OLD BUSINESS:

PRESIDENT KING: The next item of business is Old Business. Madam Clerk, a reading of Item 36.

36. O-144-07-08 AN ORDINANCE APPROPRIATING \$20,000 FROM THE DISTRICT 23 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. FOR THE INSTALLATION OF A SCOREBOARD AND ADDITIONAL LANDSCAPING AT THE MOORE HIGH SCHOOL BASEBALL FIELD.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: James Peden

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILWOMAN WELCH: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Johnson do you wish to address this?

I believe it came out of your committee.

COUNCILMAN JOHNSON: This was the thing sponsored by Councilman Peden.

PRESIDENT KING: Would you like to be recognized?

COUNCILMAN PEDEN: Yes, the committee approved this, but upon the advice of both the clerk and our financial advisors, they recommended making an amendment in that this was originally titled incorrectly, and so if I could -- I will read the amendment and that would be everything is correct up until the word installation.

Following the word installation I will move this amendment.

A baseball scoreboard and landscaping and then add the words along Briscoe Lane, and then you can delete the rest.

So essentially the landscaping is going in one spot and the scoreboard is going along the baseball field and it wasn't worded that way and now it is.

So I would make that amendment, please.

COUNCILWOMAN HAMILTON: Second.

PRESIDENT KING: That item has been proper moved and seconded.

Is there any discussion on this floor amendment?

Hearing none, this amendment requires a voice vote.

All those in favor, say aye,

ALL PRESENT: Aye Opposed.

PRESIDENT KING: The ayes have it. **The amendment passes.**

Is there further discussion?

Hearing none, the amended ordinance is before us and it requires a roll call vote.

Madame Clerk please open the voting.

Voting Result: Item 36

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: NOT VOTING

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: NOT VOTING

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: EXCUSED ABSENCE

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: EXCUSED ABSENCE

Clerk: There are 22 YES votes and four not voting: Council members Tandy, Ward-Pugh, Stuckel and Call.

PRESIDENT KING: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 37.

37. RP071608KB REAPPOINTMENT OF KIMBERLY BUNTON TO THE LANDBANK AUTHORITY, TERM EXPIRES FEBRUARY 28, 2012.

Status: On Council Agenda - Consent Calendar
Committee: Rules, Ethics, & Appointments

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILWOMAN WELCH: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President.

This item, at the request of administration, has been withdrawn and no further action is required from the council.

PRESIDENT KING: Very good. It came out of your committee and at this point since the mayor has withdrawn the appointment the item is no longer before us. Thank you Councilman Fleming.
Madam Clerk, a reading of Item 38.

38. O-134-07-08 AN ORDINANCE APPROPRIATING \$20,000 FROM THE DISTRICT 23 NEIGHBORHOOD DEVELOPMENT FUND TO LOUISVILLE METRO PLANNING AND DESIGN SERVICES TO REFURBISH THE HISTORIC CHURCH AND SURROUNDING HISTORIC GROUNDS OF THE PENNSYLVANIA RUN CEMETERY (AS AMENDED).

Status: On Council Agenda - Old Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: James Peden

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILWOMAN WELCH: Second.

PRESIDENT KING: This item has been properly moved and seconded. For the public's information tonight we are changing our procedure slightly instead of voting on each committee amendment on the floor.

Without objection we will be adopting the committee recommended version as our working document at council meetings, therefore, we now have the committee amended version before us. A vote for the committee amended version adopts recommended amendments.

You may, of course, offer floor amendments to remove the committee amendments prior to the final vote. Procedurally I will still ask the committee chair to explain the item and the committee amendments. Hopefully that's clear to everyone.

Councilman Johnson, this came out of Appropriations.

Would you like to explain the item and the amendment that was made in committee?

COUNCILMAN JOHNSON: The original item said it was going through the Department of Finance and Administration to the Pennsylvania Run Cemetery Association, Incorporated, but it's going to the Louisville Metro Planning and Design Services and that amendment was voted on in committee and is brought forth by Councilman James Peden if you would like to speak to it.

PRESIDENT KING: Councilman Peden would you like to address this.

COUNCILMAN PEDEN: He pretty much read the amendment.
The reasoning behind it for those of you who remember when it came out originally, the Pennsylvania run cemetery association is not approved by 501C organization on our, based on our council rules. At the suggestion of Councilwoman Flood .She said look toward Metro Planning and Design and they were more than happy to take this upon themselves and be, I will call it the general contractor of the project. So the amendment was made in committee, it came out unanimous and I would appreciate the support on the floor.

PRESIDENT KING: Is there any further discussion? Hearing none, the amended ordinance requires a roll call vote .It is now before us.

A vote for the committee amended version again adopts the committee recommended amendments. Madame Clerk please open the voting.

Voting Result: Item 38

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
DAVID TANDY: NOT VOTING
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: NOT VOTING
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: EXCUSED ABSENCE
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: EXCUSED ABSENCE

CLERK: There are 23 YES votes and three members not voting; Council members Ward-Pugh, Stuckel and Call.

PRESIDENT KING: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 39.

39. R-123-07-08 A RESOLUTION DETERMINING ONE PARCEL OF REAL PROPERTY LOCATED IN McNEELY LAKE PARK IN LOUISVILLE/ JEFFERSON COUNTY METRO, KENTUCKY, CONTAINING APPROXIMATELY 2.649 ACRES, AND DESCRIBED ON EXHIBIT A, HERETO, OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT"), GOVERNMENTAL SUCCESSOR TO THE COUNTY OF JEFFERSON, KENTUCKY, AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS SALE AND TRANSFER. (AS AMENDED)

Status: On Council Agenda - Old Business
Committee: Labor & Economic Development
Primary Sponsor: James Peden

PRESIDENT KING: Thank you. I don't need a motion on this one. If you may recall this item was postponed at the July 24th meeting and as a reminder was amended at that meeting. The question was on the termination of a parcel of real property located in McNeely Lake Park to be declared surplus. So we now have the, since it was postponed to this meeting we have the amended version before us. Is there any discussion, Councilman Tandy?

COUNCILMAN TANDY: Thank you, Mr. President; I would like to move that we again postpone action on this resolution until August the 28th in order to allow the Water Company and their attorneys to finalize any necessary documentation for this.

PRESIDENT KING: Thank you.

Without objection item 39 is postponed to August 28th meeting.

Madame Clerk, a reading of item 40.

40. O-130-07-08 AN ORDINANCE AMENDING CHAPTER 97 OF THE LOUISVILLE/JEFFERSON COUNTY CODE OF ORDINANCES (LMCO) RELATED TO STREETS AND SIDEWALKS. (AS AMENDED)

Status: On Council Agenda - Old Business

Committee:

Transportation/Public Works

Committee on Committees

Reassigned to Planning/Zoning, Land Design & Development

Primary Sponsor: George Unseld

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN BLACKWELL: Second.

PRESIDENT KING: This item has been properly moved and seconded. And as a reminder we now have the committee amended version before us. Is there any discussion?

Councilman Owen. Would you like to explain the item and the amendment made in committee?

COUNCILMAN OWEN: Yes, thank you, Mr. President, colleagues.

There is a long-standing interest in preserving the Olmsted Parkways in Louisville from curb cuts, commercial curb cuts. It has never been perfect.

There are examples of commercial curb cuts through the years since the early 1990s, we have had a pretty stringent regulation, and we are tonight amending that stringent regulation reluctantly, but here is the deal.

And that's essentially what we are working on is how to accommodate, how to accommodate a new Walgreen's on a commercial site at the intersection of Winkler Avenue and frankly, this is enough to confound the most serious person, Winkler Avenue even on the south side as well, because Winkler Avenue apparently is in both in front of this property and beside this property. It ought to be -- it's really right at the beginning of Taylor Boulevard.

Anyone that knows the site knows that that old gasoline station has been abandoned and boarded for years and years. So this is a site that has been in distress.

Walgreen's wants to move there from Fourth and Winkler where their site is very constrained.

In order to move it there, they need a curb cut on Algonquin Parkway.

Now, the old commercial site had an entrance to the commercial site which was admittedly smaller at the alleyway to the rear.

Well, now the new Walgreen's site expands beyond the alley and that will be heard, the rezoning for the site will be heard as item 42.

So we are amending the stringent regulation involving commercial curb cuts on the Olmsted Parkway so allow one curb cut onto the parkway.

Now, there used to be an entrance off Algonquin Parkway, but it was an alley entrance to the smaller site. In exchange there is a reduction in the total number of curb cuts onto the parkway.

There will be the one single curb cut.

There will be the donation of extensive parkway space that will be fully landscaped giving a much greater impression that that is indeed a landscaped Olmsted Parkway and so there are significant tradeoffs in adapting this site to this new and expanded use.

Our committee felt that by amending that ordinance that prevents commercial curb cuts on Olmsted Parkways to allow this to happen is both a rescue of the site and ultimately brings a much greener parkway all the way out to Winkler Avenue.

Now, I know that's hard to follow, but that's my best shot at explaining what we are doing here.

Now, in item 42, we will have before us the necessary rezoning in order to accomplish that.

I give you one small example. In the late 1990s, this same ordinance was amended in order to allow a Wendy's at Algonquin Parkway and Cane Run Road.

This is an amendment, I can tell you that in the give and take we are getting much more green space and parkway space in this adaptation, in this amendment than we did when the Wendy's went in at Cane Run at Algonquin.

So that's what we have got before us, friends.

And I move this amended version.

PRESIDENT KING: It's not necessary to move that amendment under our new procedure.

That item is before us. If someone wants to make the change to that amendment, then they have the opportunity do that on the floor. But in terms of the amendment that was made in committee, it appears.

COUNCILMAN OWEN: It's the language of -- as I recall, it is just amending the language that is in the code of ordinances.

PRESIDENT KING: Okay.

The actual document was amended in committee and it appears to just be a line from what I'm reading that says except are for the portion on the south side of Algonquin Parkway.

That is the subject of the amendment. And that is why it is on old business because we have an amended ordinance.

COUNCILMAN OWEN: That's right.

PRESIDENT KING: Is there any further discussion?
Councilman Downard?

COUNCILMAN DOWNARD: I clicked in

PRESIDENT KING: I just got it..

COUNCILMAN DOWNARD: I wanted to ask if I could, if you could ask the chairman when you all were in committee, did you have discussions about -- I call it the 'me too concept' of if we do this, is there going to be somebody else coming back next week to do --

COUNCILMAN OWEN: We most certainly did extensive discussion of that.

COUNCILMAN DOWNARD: What was the result of that?

PRESIDENT COUNCILMAN KING: Councilman Owen would you like to address that.

COUNCILMAN OWEN: I think, Mr. President, to my colleague and other colleagues, we believed that the end result in this case is a greener Algonquin Parkway and that there will be -- that the net result is fewer entranceways onto the Algonquin Parkway, but we are allowing this one, so there is kind of a constricting or narrowing of access.

And so we just believe that in this negotiation with a recommendation of the parks department, that they believe that this was -- and we believed as a committee that this was an adequate tradeoff, but we certainly are aware of the me too dynamic.

And I guess the answer is that if there is an improvement of the greenway in any future negotiations involving other sites, then we will have to be considered and weighed on the merits of that case.

COUNCILMAN DOWNARD: Thank you, Mr. President.

PRESIDENT KING: Councilman Peden.

COUNCILMAN PEDEN: Thank you, Mr. Chairman. As Councilman Downard opened the door for discussion, I will step through as well.

And that is this ordinance just takes care of the Olmsted Parkway or all of the parkway ordinances grouped together?

Because it very specifically mentioned like Algonquin and Southern and so on and I guess my question is when you have Hurstbourne Parkway which pretty much bisects the community

The Outer Loop is now technically a parkway in certain sections.

Does this ordinance deal with that as well?

COUNCILMAN OWEN: It was not discussed.

COUNCILMAN PEDEN: I don't mean this ordinance I mean does this code under our law, does it handle that as well

PRESIDENT KING: Feel free to address that.

COUNCILMAN PEDEN: Feel free to say I don't know.

PRESIDENT KING: I can comment as well.

COUNCILMAN OWEN: You better comment if you see something before you I don't see.

PRESIDENT KING: I have Councilman Johnson over here with his hand up.

COUNCILMAN JOHNSON: It deals only with the Olmsted Parkway.

PRESIDENT KING: The ordinance I'm looking at on the system talks about Olmstead Parkways. I don't know whether that answers your question.

COUNCILMAN PEDEN: I guess do we have a operate ordinance that governs commercial curb cuts on other parkways?

PRESIDENT KING: Councilwoman Raque Adams.

COUNCILWOMAN ADAMS: Yes, we do.

We have one that has set back requirements, green space requirements, those types of things on the other parkways.

PRESIDENT KING: Thank you.

Any other discussion? Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: I did push the request to speak.

I don't know if it's there or not.

PRESIDENT KING: On item 40?

COUNCILWOMAN WOOLRIDGE: Yes.

I guess my concern is like two of my colleagues, you know, we don't want to open up the flood gates for curb cuts to be on certain parkways. Now, I was not an elected official when the curb cuts came about for Wendy's, however, that is in my district and I worked in the office that was instrumental in getting curb cuts there but it's going to cause me some concern if we just continue to, you know, continue to amend this ordinance. I mean, I know we need businesses and I think this is a good business that's going to move there, but I have a reservation.

I will be voting for this, but I just wanted to express that. Thank you.

PRESIDENT KING: Yes, ma'am. Is there any further discussion?

No one else has clicked in. Hearing none, the question is on the committee recommended version including the committee amendment so this amended ordinance requires a roll call vote; a vote for the committee amended version adopts the committee recommended amendments.

Madame Clerk, please open the voting.

Voting Result: Item 40

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: EXCUSED ABSENCE
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
ELLEN CALL: EXCUSED ABSENCE

CLERK HERRON: 24 yes votes and two members not voting, Council members Stuckel and Call.

PRESIDENT KING: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 41

41. O-141-07-08 AN ORDINANCE CHANGING THE ZONING FROM EZ-1 ENTERPRISE ZONE TO M-3, INDUSTRIAL ON PROPERTY LOCATED AT 7020, 7100, 7110 AND 7124 GRADE LANE, CONTAINING A TOTAL OF 29.3 ACRES, 19.1 ACRES OF WHICH ARE THE SUBJECT OF THE CHANGE IN ZONING, AND BEING IN LOUISVILLE METRO (CASE NO. 10065).

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

PRESIDENT KING: May I have a motion?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN ENGEL: Second

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Owen?

COUNCILMAN OWEN: Yes. This was heard in committee.

It was voted out, two members were not voting, so it was voted out four of us that were there unanimously supported this rezoning.

Essentially, folks, this is an issue and a rezoning that drew a great deal of attention both at LD&T and at the planning commission level with a goodly number of people testifying against the installation of a large commercial shredder at a metal recycling facility on Grade Lane.

The committee reviewed the document produced by the planning commission, the testimony that was provided. We, I think, reviewed it extensively. There were concerns that had been expressed about the removing of all petro chemicals from an automobile, for instance. This is a facility that can shred an automobile. So is there some effort to provide assurance that the gasoline is removed from the tank, lest there be a fire started. The questions were raised about fire suppression in this facility.

Earlier there had been concerns raised about possible shards of metal being expelled into the air by the crushing, by the shredding process.

This is a roofed facility with fire suppression equipment installed within it. It is an issue that as I say, drew a great deal of attention. The owner of the property for the installation of the shredder is going to be making traffic improvements and it is not an area that is anywhere close to residential -- to residences and we felt that this was a -- that we had been provided adequate assurances and the committee, as I say, voted four in favor and none in opposition. So it was, as I say, Mr. President, extensively discussed in committee.

PRESIDENT KING: Thank you, Councilman Owen.
Is this in Councilman Flood's district?

COUNCILMAN OWEN: It is indeed.

PRESIDENT KING: Councilman Flood would you like to be recognized?

COUNCILWOMAN FLOOD: Thank you, Mr. President.

I feel very comfortable with all the amendments in the form of binding elements the planning commission did put in this case.

I think it makes it a little bit stronger and I appreciate the help that the fire department gave on this since they are the Chief Carlson who sits on the planning commission is also the fire chief in that district and I feel confident of what he has put on for fire suppression.

PRESIDENT KING: Thank you.

Is there further discussion?

Hearing none.

This ordinance requires a roll call vote.

Madame Clerk, please open the voting.

Voting Result: Item 41

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: EXCUSED ABSENCE

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: NO

ELLEN CALL: EXCUSED ABSENCE

CLERK HERRON: 23 yes votes, one no vote from Councilman Hawkins and two members not voting, Council members Stuckel and Call.

PRESIDENT KING: **The ordinance passes.**

Madam Clerk, a reading of Item 42.

42. O-137-07-08 AN ORDINANCE CHANGING THE ZONING FROM R-6, MULTI-FAMILY RESIDENTIAL AND OR-2, OFFICE RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 701, 713-717, 807, AND 811-817 WINKLER AVENUE, AND 710-714 ALGONQUIN PARKWAY, CONTAINING A TOTAL OF 1.79 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9671).

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

PRESIDENT KING: May I have a motion for approval?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN WELCH: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion? Councilman Owen?

COUNCILMAN OWEN: This was heard in committee and planning, zoning land design and development committee of our council.

We, as I say, it is a companion to the item that we considered on the Algonquin Parkway amendment and item 40. This is for a Walgreen's. It would be a 24 hour operation.

It would be significant buffering to the residential area to the west, and there would be a drive through. The alley that I mentioned earlier would be closed, and the site would expand to these multiple properties that are zoned both R6 and OR2.

And so we discussed it fully in committee and we come with a recommendation that it be approved. I believe this is in Mr. Tandy's district.

Is it Unseld, I'm sorry, I'm sorry.

So he may want to comment on it

PRESIDENT KING: Councilman Unseld would you like to comment on the question?

COUNCILMAN UNSELD: Yes, I was going to comment after the last one but Councilman Owen did such a good job; I didn't want to foul up on it. I didn't think I could handle it.

I appreciate a yes vote. This is a good approach and this is a good project.

PRESIDENT KING: Excellent.

Is there any further discussion?

Hearing none, this ordinance requires a roll call vote.

Madame Clerk, please open the voting.

Voting Result: Item 42

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: EXCUSED ABSENCE
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: NO
ELLEN CALL: EXCUSED ABSENCE

CLERK: There are 24 yes votes and two members not voting, Council members Stuckel and Call.

PRESIDENT KING: **The ordinance passes.**

Madam Clerk, I believe that completes Old Business.

CLERK: Yes sir.

NEW BUSINESS:

PRESIDENT KING: The next order of business is New Business. New Business comprises. Help me out here Madam Clerk, items 43

CLERK: to 67.

PRESIDENT KING: Items 43-67.

A reading of those items and their assignments to a committee please.

New Business:

43. O-146-08-08 AN ORDINANCE APPROPRIATING \$9,500 FROM THE DISTRICT 6 NEIGHBORHOOD DEVELOPMENT FUND, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE PRESBYTERIAN COMMUNITY CENTER, JOHN LITTLE, FOUNDER, FOR PROGRAM EXPENSES, MATERIALS, SPEAKERS AND VENUES.

Status: On Council Agenda - New Business

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: George Unseld

44. R-132-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (MICHAEL D. KRAMER - \$50,000.00).

Status: On Council Agenda - New Business

Committee: Contracts

Primary Sponsor: Jim King

45. R-133-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (MATT HEITZMANN - \$52,000.00).

Status: On Council Agenda - New Business

Committee: Contracts

Primary Sponsor: Jim King

46. R-143-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - (IVORY ROLLINS - \$30,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Judy Green

47. O-147-08-08 AN ORDINANCE AMENDING ORDINANCE NO. 98, SERIES 2005 BY TRANSFERRING \$76,661.74 IN AGENCY RECEIPT FUNDS FROM THE COMPLETED ANIMAL CARE CENTER FEASIBILITY STUDY PROJECT TO THE ANIMAL TRANSPORT CAGES PROJECT.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Robert Henderson

48. O-148-08-08 AN ORDINANCE APPROPRIATING \$7,000 FROM THE DISTRICT 12 NEIGHBORHOOD DEVELOPMENT FUND TO THE LOUISVILLE METRO POLICE DEPARTMENT TO FUND OVERTIME EXPENSES FOR OFFICERS TO PATROL IN DISTRICT 12.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Rick Blackwell

49. R-134-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT - A.T.I. ENVIRONMENTAL SERVICES, INC., \$35,000.00.

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Mary Woolridge

50. R-135-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (TILFORD DOBBINS ALEXANDER BUCKAWAY AND BLACK PLLC - \$100,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Madonna Flood

51. R-136-08-08 A RESOLUTION AMENDING THE COUNCIL MEETING SCHEDULE OF THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) FOR THE CALENDAR YEAR 2008

Status: On Council Agenda - New Business
Committee: Rules, Ethics, & Appointments
Primary Sponsor:
Marianne Butler
Vicki Welch

52. R-137-08-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (JEFFERSON COUNTY BOARD OF EDUCATION - \$26,000.00).

Status: On Council Agenda - New Business
Committee: Contracts

Primary Sponsor: Judy Green

53. R-138-08-08 A RESOLUTION DETERMINING FOUR (4) VACANT PARCELS OF REAL PROPERTY LOCATED AT 3218, 3220, 3222 AND 3224 GREENWOOD AVENUE OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Judy Green

54. R-139-08-08 A RESOLUTION REQUESTING THE LOUISVILLE METRO PLANNING COMMISSION TO INITIATE THE FORM DISTRICT AND ZONING MAP AMENDMENT PROCESS TO RECONFIGURE THE BOUNDARIES OF THE EXISTING FORM DISTRICTS AND ZONING DISTRICTS TO RECLASSIFY THE AREA AS RECOMMENDED BY THE PORTLAND NEIGHBORHOOD PLAN AND FORWARD ITS RECOMMENDATION TO THE METRO COUNCIL.

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Cheri Bryant Hamilton

55. R-140-08-08 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING A LANE CONTROL SYSTEM UPGRADE ALONG BARDSTOWN ROAD.

Status: On Council Agenda - New Business
Committee: Transportation/Public Works
Primary Sponsor: Tom Owen

56. O-149-08-08 AN ORDINANCE APPROPRIATING \$7,400 FROM DISTRICT 9 NEIGHBORHOOD DEVELOPMENT FUNDS, TO THE DEPARTMENT OF NEIGHBORHOODS FOR EXPENSES ASSOCIATED WITH THE URSULINE SISTERS OF LOUISVILLE 150TH ANNIVERSARY CELEBRATION.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Tina Ward-Pugh

57. R-141-08-08 A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN TRACTS OF PROPERTY LOCATED IN DOWNTOWN LOUISVILLE METRO KNOWN AS THE WATER COMPANY BLOCK.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

58. R-142-08-08 A RESOLUTION AMENDING RESOLUTION NO. 232, SERIES 2007 APPROVING THE GRANTING OF LOCAL INDUCEMENTS TO FORD MOTOR COMPANY PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 25.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor:
Glen Stuckel
Madonna Flood

59. O-151-08-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO PEC, PLANNED EMPLOYMENT CENTER ON PROPERTY LOCATED AT 1408, 1412 AND 1416 TUCKER STATION ROAD, CONTAINING A TOTAL OF 11.3 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9585).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

60. O-152-08-08 AN ORDINANCE CLOSING AN UNNAMED ALLEY RUNNING BETWEEN ALGONQUIN PARKWAY AND WINKLER AVENUE APPROXIMATELY 135 FEET NORTH OF TAYLOR BOULEVARD, AND AN ADDITIONAL SECTION OF UNNAMED ALLEY THAT INTERSECTS WITH THE AFOREMENTIONED ALLEY AND RUNS PARALLEL TO ALGONQUIN PARKWAY, CONTAINING A TOTAL OF 7,362.21 SQUARE FEET BEING IN LOUISVILLE METRO (CASE NO. 10794).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

61. O-153-08-08 AN ORDINANCE CHANGING THE ZONING FROM R-6, MULTI-FAMILY RESIDENTIAL, C-1 AND C-2, COMMERCIAL, AND M-3, INDUSTRIAL TO EZ-1, ENTERPRISE ZONE ON PROPERTY LOCATED AT 1000 AND 1001 GLENGARRY DRIVE, CONTAINING A TOTAL OF 23.27 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 10314).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

62. O-154-08-08 AN ORDINANCE CHANGING THE ZONING FROM C-2, COMMERCIAL AND M-2, INDUSTRIAL TO C-M, COMMERCIAL MANUFACTURING ON PROPERTY LOCATED AT 4739 DIXIE HIGHWAY, CONTAINING A TOTAL OF 0.83 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 10234).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

63. O-156-08-08 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2008 (PHENIX LOUISVILLE PROJECT) AND TAKING OTHER RELATED ACTION

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: George Unseld

64. O-157-08-08 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING AND APPROVING THE EXECUTION OF A MASTER LEASE AND SUBLEASE AGREEMENT TO FINANCE THE ACQUISITION OF EQUIPMENT AND THE CONSTRUCTION OF RENOVATIONS AND IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$16,000,000 FOR THE BENEFIT OF UNIVERSITY MEDICAL CENTER, INC., d/b/a UNIVERSITY OF LOUISVILLE HOSPITAL AND TAKING OTHER RELATED ACTION.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development

Primary Sponsor: David Tandy

65. O-150-08-08 AN ORDINANCE CHANGING THE ZONING FROM R-5, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 1525, 1527, 1535 AND 1537 BERRY BOULEVARD, CONTAINING A TOTAL OF 1.04 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9822).

Status: On Council Agenda - New Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

66. O-155-08-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL, AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO TOWN CENTER ON PROPERTY LOCATED AT 8102 BEULAH CHURCH ROAD, CONTAINING A TOTAL OF 1.158 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9253).

Status: On Council Agenda - New Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

67. O-158-08-08 AN ORDINANCE APPROPRIATING \$57,800 FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS, \$6,000 FROM DISTRICT 2, \$2,000 FROM DISTRICTS 6, 8 AND 11, \$4,000 FROM DISTRICTS 3, 9 AND 16, \$13,800 FROM DISTRICT 12, AND \$10,000 FROM DISTRICTS 13 AND 23 THROUGH THE FINANCE AND ADMINISTRATION DEPARTMENT TO THE BLUE APPLE PLAYERS, INC. TO FUND PERFORMANCES IN LOUISVILLE METRO AREA ELEMENTARY SCHOOLS.

Status: On Council Agenda - New Business

Committee: Appropriations, NDFs and CIFs

Primary Sponsor:

James Peden

Barbara Shanklin

George Unseld

Kelly Downard

Kevin Kramer

Rick Blackwell

Tina Ward-Pugh

Tom Owen

Vicki Welch

There being no further business, the **August 14, 2008** Regular Louisville Metro Council meeting adjourned without objection on a motion by Councilwoman Ward-Pugh without objection at 7:13 PM EDT.

Kathleen J. Herron, Metro Council Clerk

Jim King, Metro Council President

Announcements were made by CW Shanklin, CW Ward-Pugh, CW Woolridge, CW Hamilton, CM Blackwell, CW Welch and CM Owen.
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